1722 #23 10-17-02

Navy Case No. 82,627 PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:
Louis F. Aprigliano et al.	:
Serial No. 09/656,017	: Group Art Unit: 1722
Filed: Sept. 7, 2000	: Examiner: K. Lin
For: METHOD OF PRODUCING CORROSION RESISTANT METAL ALLOYS WITH IMPROVED STRENGTH AND DUCTILITY	: CONFIRMATION NO. 2288 : :

REQUEST TO REOPEN PROSECUTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

In regard to the above identified application, it is requested that the finality of the Final Office action dated July 30, 2002 be withdrawn so as to reopen prosecution in order to preclude or put off an Appeal, for reasons hereinafter pointed out.

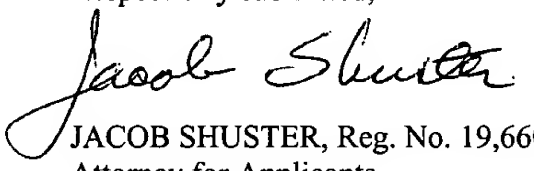
An essential distinguishing achievement of the subject invention covered by claims 5, 6 and 9 of record, resides in the recitation therein of: "atomize the molten stream--to increase in strength the ductile alloy". Furthermore, claims 5 and 9 further limit the extent to which the referred to strength is increased, by specifying: "from a yield strength of less than 145 psi", while claim 6 still further limits such strength increase by specifying: "ductility improved from less than 25% tensile elongation".

During prosecution of the application, none of the Office actions either explicitly refers to, or comments on the extent or degree to which yield strength is increased, to which claims 5, 6 and 9 are limited. The Examiner's lack of reference to or comment on such claimed distinctions over

the prior art disclosures relied on, renders the Final Office action incomplete and/or premature for which reason its withdrawal is in order.

In view of the foregoing, withdrawal of the finality of the Office action dated July 30, 2002 is requested.

Respectfully submitted,



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